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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,541	09/09/2004	Philip Shad		8264

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EXAMINER

NERBUN, PETER P

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/507,541

**Applicant(s)**

SHAD, PHILIP

**Examiner**

Peter P. Nerbun

**Art Unit**

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 is/are rejected.
- 7) ☒ Claim(s) 1-3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The disclosure is objected to for not meeting the formal requirements set forth in 37 CFR 1.52. In particular the lines of the specification must be 1 1/2 or double spaced; further the pages of the specification including claims and abstract must be numbered consecutively, starting with 1, the numbers being centrally located above or preferably, below, the text. The text may not be written solely in capital letters. The disclosure is further objected to for containing numerous errors in syntax, spelling, and sentence structure. For example, note page 1, line 1 of the specification ("independant" should be changed to --independent--); page 1, line 6, "a independant" should be changed to --an independent--; page 1, line 9, "for example" should be changed to --where, for example, page 1, line 10, "the transmission" should be changed to --a transmission--; page 1, line 14, after "leg", --or-- should be inserted; page 1, line 16, "independant" should be changed to --independent--; page 1, line 29, "a optical" should be changed to --an optical--; page 1, line 30, "techical" should be changed to --technical--; page 1, last line, "therefor" should be changed to --therefore--; page 2, line 1, "Patent JP 59 050 792 tries" should be changed to --Japanese reference JP 59 050 792 tries--; page 2, lines 19 and 20, "Patent USA 5 247 449/1993 tries" should be changed to --US Patent No. 5,247,449 tries--; page 2, line 30, "source" should be deleted; page 2, line 42, "interence" should be changed to --interference--; page 2, line 49,, after "machine", --With regard" should be inserted; page 2, line 53, "of sewing" should be changed to --of the sewing--; page 3, line 4, "independant" should be changed to --independent--; page 3, line 8, "and" should be changed to "where the machine"; page 3, line 15, "and anything" should be chnaged to --and for anything--; page 3, line 16, "automatic" should

be changed to --automatically--; page 3, line 36, "lenght" should be changed to --length--; on page 3, line 38, "following (A)" should be changed to --following--; page 4, lines 22-23, "charing" should be changed to --charging--; page 5, line 1, "Their" should be changed to --There--; page 5, line 4, "obsured" should be changed to --obscured--; page 5, line 22, "Their" should be changed to --There--; page 5, line 23, "dital" should be changed to --digital--; page 5, line 27, "multable freqencies mico processor" should be changed to --multiple frequencies microprocessor--; page 5, line 28, "to put out a psuedo-random" should be changed to --the output of a psuedo-random signal--; page 5, line 31, "Their is for" should be deleted; page 5, line 31, "being transmitted by" should be changed to --receiving transmission from--; page 5, line 32, "having" should be changed to --has--; page 5, line 37, "independant" should be changed to --independent--; page 5, line 39, after "machine", --which is-- should be inserted; page 5, line 43, "and" should be changed to --the--; page 6, lines 1 and 2, "Continuation of Description of Shad RC2002 transmitter" should be deleted; on page 6, line 25, after "microprocessor" --and-- should be inserted; on page 7, lines 1 and 2, "Continuation of Description of Shad RC2002 Receiver"; on page 7, line 11, "and" should be changed to --"and"--; on page 7, line 17, "reuires" should be changed to --requires--. On the Abstract page, in line 3, "Independant" should be changed to --Independent--; in line 5, "Sewing machine being transmitted by one wireless switch or more than one transmitted switches being used to transmit one sewing machine or more than one machine simultaneously used." should be changed to --A sewing machine is constructed to receive the transmission of one or more of wireless switches,

said one or more switches being used to transmit simultaneously.--; in line 9, "being ramderley transmitted" should be changed to -- are transmitted to--; in line 17, "(Figure 3)" should be deleted.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character ""(A)" has been used to designate a strap, an IEC inlet mains connection, an "operate LED", a battery charger LED, and a transmitter box. Further reference character ""(C)" has been used to designate a speed control, a "view to recharge the transmitter box", an operating switch and spring (see page 3, line 24), a wire and a connector to the sewing machine. Similar use of the same reference character for multiple elements applies to reference numerals "D", "E", "F", "G", and "H".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1-3 are objected to for containing a typographical error. In claim 1, line 10, "psuendo-randomly" should be changed to --psuedo-randomly--. Claims 1-3 will be deemed allowable upon correcting this error.

Claim 4 is rejected under 35 USC 112, second paragraph. Claim 4 recites a sewing machine "substantially as herin (sic) described with reference to the drawings". This language does not particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant. A vague reference to what is "herein" described does not particularly point out an distinctly define the metes and bounds of the subject matter that will be protected by the patent grant since no specific structure providing the basis for such a definition is recited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P. Nerbun whose telephone number is 571-272-4993. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun  
May 23, 2005

  
Peter Nerbun  
Primary Examiner